

REMARKS

This response is being filed in reply to the non-final Office Action mailed January 12, 2011. In that Office Action, claims 1, 21, and their dependents were rejected on a statutory basis while claims 1-3, 5-6, 8, 21-23, 26 and 28-29 were rejected on prior art grounds. Claims 4, 7, 9-20, 24-25, 27, and 30-32 were previously cancelled. No amendments have been made. Accordingly, claims 1-3, 5-6, 8, 21-23, 26, and 28-29 remain pending in the application.

§ 112 Rejections

Independent claims 1, 21, and their dependents stand rejected under § 112, first paragraph, as failing to fulfill the written description requirement. With respect to this rejection, the Office Action identified portions of claim 1 and 21 that it argues are not supported in the original disclosure.¹ For example, the Office Action points to a portion of claim 1 that recites “wherein the digital signal transmitted to the computer-end recipient and the formulated response are each compressed at different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle.” The Office Action also points to a section of claim 21 which recites “compressing the digital signal at a particular compression ratio that is established for transmitting voice queries that are not audibly reproduced” and “compressing the at least one response at a compression ratio that is established for audible playback in the vehicle, which is less than the particular compression ratio.” (Emphasis is reproduced from the Office Action)

Applicant’s originally-filed disclosure fully supports the amendment to claims 1 and 21. In a number of ways, Applicant describes the differences in compression ratios depending on whether the signal is to be used by a computer or audibly played for a user. In one example, Applicant notes that compressing the digital signal involves “converters and programs [that] do not need to facilitate a later decoding into line level audio due to the digital input of the computer-end recipient.” As a result, “the computer programs and converters can use a very high compression algorithm, as the data does not need to be

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Non-final Office Action, January 12, 2011, page 3, lines 3-10.

recognizable by a human recipient...[and t]he compression ratio may compress the audio data at 2 to 3 times the compression ratio of human recognizable audio data compression.”² This disclosure explains not only that different compression ratios can be used, but it also explains the distinction used to generate the different compression ratios—namely whether a computer will use the transmission or it will be audio data that is “human recognizable.” This concept is further explained in another example. In paragraph [0038] of their published application, Applicant states that:

[t]he transmission of data from the mobile vehicle 110 to the virtual advisor 178 and from the virtual advisor 178 to the mobile vehicle is asymmetrical. Transmission of data from the mobile vehicle 110 is highly compressed and encoded, as the end-recipient is a computer application. The transmission of data from the virtual advisor 178 to the mobile vehicle is compressed to allow the user of the mobile vehicle 110 to understand the response.³

Here, Applicant describes an asymmetrical transmission system in which transmissions from the vehicle are highly compressed whereas transmissions from the virtual advisor are compressed to allow the vehicle user to understand the response. These passages in Applicant’s specification more than satisfy the written description requirement under the first paragraph of § 112. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection.

§ 103 Rejections

Claims 1-3, 5-6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Odinak et al. (U.S. Patent Application Publication No. 2002/0143645; referred to herein as Odinak ‘645) in view of Odinak et al. (U.S. Patent Application Publication No. 2002/0141547; referred to herein as Odinak ‘547) and further in view of Dewa (U.S. Patent No. 7,308,508). Claims 21-23, 26, and 28-29 also separately stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Odinak ‘645 in view of Odinak ‘547 and further in view of Dewa. Applicant respectfully traverses these rejections for the reasons discussed below.

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Mazzara, U.S. Patent Application Publication No. 2005/0070260, paragraph [0032].

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Mazzara, paragraph [0038].

The combination of Odinak '645, Odinak '547, and Dewa is missing elements of claim 1 and therefore the Office Action fails to establish a *prima facie* case of obviousness. Claim 1 recites, *inter alia*, "transmitting the at least one formulated response via the digital packet data protocol over the wireless network to the telematics unit, wherein the digital signal transmitted to the computer-end recipient and the formulated response are each compressed at different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle." The Office Action admits that the combination of Odinak '645 and Odinak '547 does not disclose this and instead relies on Dewa.⁴ However, the section of Dewa cited by the Office Action cannot reasonably be interpreted as teaching or suggesting different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle. It appears that the Office Action argues that the analog signal taught by Dewa is the same as an audible response played in a vehicle.⁵ Nothing in Dewa cited by the Office Action teaches or suggests that this analog signal is audible, much less that any signal is compressed at a different ratio based on whether it is audibly played. The cited section of Dewa notes the differences in compression between digital and analog signals, which does not teach or suggest compressing a signal at different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle. Dewa is directed to a "digital data distribution technique for distributing digital data in a markup language."⁶ Dewa states that a "digital signal has a more excellent stability and a higher data compression than those of an analog signal."⁷ To the extent that this involves a comparison, it is between the compression ratios of analog and digital signals—not a signal that is compressed at different compression ratio depending on whether it is audibly played in a vehicle.

The Office Action also does not meet the burden of establishing a *prima facie* case of obviousness because it fails to adequately explain how the teachings of Dewa would be combined with Odinak '645 and Odinak '547 to render Applicant's claimed subject matter obvious. MPEP § 706.02(j) sets forth the elements of a *prima facie* case of

⁴ Non-final Office Action, January 12, 2011, page 6, lines 12-19.

⁵ Non-final Office Action, January 12, 2011, page 6, lines 18-19.

⁶ Dewa, U.S. Patent No. 7,308,508, col. 1, lines 13-15.

⁷ Dewa, col. 1, lines 22-24.

obviousness, one of which requires providing the proposed modification of the applied references necessary to arrive at the claimed subject matter. That has not been done. As far as Applicant can tell, the Office Action only states that it would be obvious to modify Odinak '645 and then duplicates some of the language recited in claim 1.⁸ Merely duplicating Applicant's claimed limitation(s) does not fully explain how Dewa would be successfully combined with Odinak '645 and Odinak '547 in order to render Applicant's claimed subject matter obvious.

Thus, Dewa cannot reasonably be interpreted as making up for the deficiencies of Odinak '645 or Odinak '547 nor has the Office Action set forth a valid *prima facie* case of obviousness.

Claim 21 is also distinguishable over the combination of Odinak '645, Odinak '547, and Dewa. For instance, claim 21 recites, *inter alia*, "compressing the digital signal at a particular compression ratio that is established for transmitting voice queries that are not audibly reproduced" and "compressing the at least one response at a compression ratio that is established for audible playback in the vehicle, which is less than the particular compression ratio." As noted above, Applicant can find nothing in Odinak '645, Odinak '547, or Dewa that would be interpreted as teaching one compression ratio for voice queries not audibly reproduced and another for audible playback in the vehicle. Therefore, the combination of Odinak '645, Odinak '547, and Dewa relied upon in the Office Action does not render obvious Applicant's claims.

Accordingly, for at least these reasons, the Applicant respectfully traverses the rejections of claims 1 and 21. Since claims 2-3, 5-6, 8, 22-23, 26, and 28-29 each ultimately depend from one of claims 1 and 21, these dependent claims should also be allowed therewith.

Applicant respectfully requests reconsideration of the above rejections. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

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Non-final Office Action, January 12, 2011, page 7, lines 1-6.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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